

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG, INC.,

Plaintiff,

v.

SUNBELT RENTALS, INC.,

Defendant.

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No. 2:11-cv-425-MHS-CMC

JURY TRIAL DEMANDED

**GEOTAG, INC.'S ANSWER TO
SUNBELT RENTAL, INC.'S COUNTERCLAIMS**

Plaintiff GeoTag, Inc. ("GeoTag") hereby answers the Counterclaims of Defendant Sunbelt Rentals, Inc. ("Sunbelt") filed on February 3, 2012 (Dkt. 12) by corresponding paragraph number as follows.

ANSWER TO COUNTERCLAIMS

Unless otherwise addressed herein with an admission, Plaintiff GeoTag generally denies all allegations in the Counterclaims. Each specific allegation is addressed as follows:

PARTIES

1. Counterclaim Plaintiff Sunbelt is a North Carolina corporation, with its principal place of business in Fort Mill, South Carolina.

ANSWER: GeoTag does not have knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Counterclaims and, therefore, deny the same.

2. Counterclaim Defendant, GeoTag, Inc. ("GeoTag") purports to be a Delaware corporation with its principal place of business in Plano, Texas.

ANSWER: GeoTag admits having a place of business in Texas. However, GeoTag denies that it is a Delaware corporation.

JURISDICTION AND VENUE

3. These counterclaims arise under the patent laws of the United States, Title 35, United States Code and accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 2201 and 2202.

ANSWER: GeoTag admits that this Court possesses jurisdiction over the subject matter of this dispute, but denies Sunbelt is entitled to any relief.

4. By filing its Complaint, GeoTag has consented to the personal jurisdiction of this Court.

ANSWER: GeoTag admits that this Court has personal jurisdiction over GeoTag, but denies that Sunbelt is entitled to any relief.

5. Venue is proper in this District pursuant to at least 28 U.S.C. §§ 1391(b) and 1400.

ANSWER: Admitted.

COUNT I
DECLARATION OF NON-INFRINGEMENT

6. GeoTag has alleged that Sunbelt infringes or has infringed the '474 Patent. Sunbelt denies that it infringes or has infringed any valid claim of the '474 Patent.

ANSWER: GeoTag admits that it has alleged that Sunbelt infringes and has infringed the '474 Patent, but denies the remainder of the allegations of paragraph 6 of the Counterclaims.

7. Thus, an actual, substantial controversy exists between the parties as to whether Sunbelt infringes the '474 Patent.

ANSWER: Admitted.

8. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.* Sunbelt is entitled to a declaration by the Court that it does not infringe and has not infringed any claim of the '474 Patent.

ANSWER: Denied.

COUNT II
DECLARATION OF INVALIDITY

9. GeoTag has alleged that Sunbelt infringes or has infringed the '474 U.S. Patent.

ANSWER: Admitted.

10. One or more claims of the '474 Patent are invalid or void for failure to meet the requirements of 35 U.S.C., including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

ANSWER: Denied.

11. Thus, an actual, substantial controversy exists between Sunbelt and GeoTag concerning the invalidity of the '474 Patent.

ANSWER: Admitted.

12. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, and 35 U.S.C. § 100 *et seq.*, Sunbelt is entitled to a declaration by the Court that the '474 Patent is invalid.

ANSWER: Denied.

EXCEPTIONAL CASE

To the extent this is an exceptional case under 35 U.S.C. § 285, Sunbelt is entitled to recovery from GeoTag of Sunbelt's attorney's fees and costs incurred in connection with this action.

ANSWER: GeoTag denies that Sunbelt is entitled to any relief.

SUNBELT'S PRAYER FOR RELIEF

With respect to Sunbelt's prayer for relief, GeoTag denies that Sunbelt is entitled to any of the relief sought by its Counterclaims.

AFFIRMATIVE DEFENSES TO COUNTERCLAIMS

As affirmative defenses, GeoTag alleges as follows:

1. Defendants have failed to state a claim upon which relief can be granted with respect to its counterclaims.
2. Defendants have failed to state facts or a legal basis sufficient to permit recovery of its attorneys' fees or expenses for defending this suit.
3. GeoTag intends to rely upon any other defense that may become available in this case and hereby reserve the right to amend this Answer to assert any such defense.

Dated: February 28, 2012

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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**ATTORNEYS FOR PLAINTIFF
GEOTAG, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 28th day of February, 2012. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Christopher M. Joe
Christopher M. Joe